

CITY OF ELBERTON
PUBLIC HEARING & REGULAR MEETING OF THE MAYOR AND COUNCIL

Monday, January 4, 2021 – 5:30 p.m.

Pursuant to due call and notice thereof the meeting of the Mayor and Council convened at 5:30 p. m. on Monday, January 4, 2021 at the Elberton Arts Center, 17 West Church Street with Mayor Guest presiding.

The City of Elberton announced December 30, 2020 a change to the location of its regular meeting of the Mayor and Council. Due to the Governor's executive order restricting public gatherings, the meeting will be held at the Elberton Arts Center, located at 17 West Church Street, which is a larger venue than City Hall.

Present were: Council Members Butler, Colquitt, Burton, Prince, and Parham; City Attorney Jenkins, City Manager Dunn and Deputy City Clerk Devan Boswell.

Mayor Guest called the Public Hearing to order. A Notice of Hearing was issued in accordance with the law for the purpose of receiving comments from businesses in violation of the City of Elberton's Alcoholic Beverage Ordinance. Due to the social distancing requirements, three of the violations were considered at this meeting and the remaining two cases were considered at the December 2020 meeting.

City Manager Dunn stated that the Georgia Department of Revenue conducted an underage sale of alcohol sting on November 2, 2020. Five of the twenty visited violated the City's Alcoholic Beverage Ordinance. The three violations to be considered at this meeting are as follows.

1. Kenny Korner Store, Kasyapkougar Patel (owner). Mr. Patel stated he accepted the violation occurred as stated.
2. Reetixa, LLC, Shailesh Amin (owner). Mr. Amin was not present at the public hearing, but arrived at the Council meeting later and spoke.
3. JJ & B Foodmart No. 1, LLC, Gopu Mitra (owner). Mr. Mitra stated he accepted the violation occurred as stated.

Mayor Guest stated that Council will consider administrative penalties for the violations later in the meeting. Mayor Guest closed the Public Hearing at 5:33 p.m. and called the regular meeting to order and led the assembly in the Pledge of Allegiance and prayer.

Mayor Guest asked for nominations for the office of Mayor Pro Tempore for the calendar year 2021. Council Member Parham nominated Council Member Butler, which was seconded by Council Member Prince. There being no further nominations, Mayor Guest declared Council Member Butler as the Mayor Pro Tempore by acclamation. Mayor Guest administered the Oath of Office to Council Member Butler for Mayor Pro Tempore.

Mayor Guest asked for nominations for the office of City Attorney for the calendar year 2021. Council Member Parham nominated Steve Jenkins, which was seconded by Council Member Butler. There being no further nominations, Mayor Guest declared Steve Jenkins as the City Attorney by acclamation. Mayor Guest administered the Oath of Office to Mr. Jenkins for City Attorney.

Mayor Guest asked for nominations for the office of Municipal Court Judge for the calendar year 2021. Council Member Butler nominated Robert Johnson, which was seconded by Council Member Burton. There being no further nominations, Mayor Guest declared Robert Johnson as the Municipal Court Judge by acclamation. Mayor Guest stated he would administer the Oath of Office to Mr. Johnson at a later date.

Council Member Butler motioned to approve the minutes of the December meeting, seconded by Council Member Parham, and the motion passed unanimously (Butler, Colquitt, Burton, Prince, Parham).

There were no speakers from the floor.

Council Member Parham placed Ordinance 2211 on second reading to annex property located at 1236 Washington Highway into the corporate limits of Elberton:

ORDINANCE 2211

AN ORDINANCE ANNEXING THE PROPERTY LOCATED AT 1236 WASHINGTON HIGHWAY PURSUANT TO THAT CERTAIN ACT (GEORGIA LAW. 1962, P. 119) AUTHORIZING SAME UPON WRITTEN AND SIGNED APPLICATION OF THE PROPERTY OWNERS OF SAID LAND; AND FOR OTHER PURPOSES.

Council Member Parham made a motion to waive the reading of the ordinance, which was read in its entirety at the December meeting. Council Member Butler seconded the motion, and the motion passed unanimously (Butler, Colquitt, Burton, Prince, Parham). City Manager Dunn read the heading of the Ordinance.

Council Member Parham made a motion to adopt Ordinance 2211. Council Member Butler seconded the motion, and the motion passed unanimously (Butler, Colquitt, Burton, Prince, Parham).

Council Member Colquitt introduced the following Ordinance 2212 for first reading to rezone Parcel E11-131 on Railroad Street to a B-2 General Business zone:

ORDINANCE 2212

AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF THE CITY OF ELBERTON; AND FOR OTHER PURPOSES.

City Manager Dunn read the ordinance in its entirety.

Council Member Butler introduced the following Ordinance 2213 for first reading to amend the Code of Ordinances, Chapter 36, Traffic and Vehicles:

ORDINANCE 2213

AN ORDINANCE TO AMEND CHAPTER 36, TRAFFIC AND VEHICLES, OF THE OFFICIAL CODE OF ORDINANCES OF THE CITY OF ELBERTON; AND FOR OTHER PURPOSES.

City Manager Dunn read the ordinance in its entirety.

Council Member Colquitt introduced the following Resolution:

RESOLUTION

WHEREAS: There will be a Municipal General Election held on November 2, 2021 to elect a Mayor and Council Member each from Ward One, Four and Five; and

WHEREAS: The Official Code of Georgia, annotated, requires the Mayor and Council to set qualifying fees that shall be three percent (3%) of the total compensation received by the officials in the preceding calendar year, which is \$545.59 for Mayor and \$419.59 for Council Member; and

WHEREAS: The Georgia State Election Board, Sections 21-2-380.1, instructs the governing authority of each municipality to appoint and certify the appointment of an Election Superintendent/Absentee Ballot Clerk to the Secretary of State’s Office; and

WHEREAS: The governing authority shall designate the City Clerk as Election Superintendent/Absentee Ballot Clerk; and

NOW, THEREFORE BE IT RESOLVED, and it is hereby resolved that the Mayor and Council of the City of Elberton do hereby issue a call for a Municipal General Election to be held on November 2, 2021, which will be conducted under the Georgia Code as amended.

BE IT FURTHER RESOLVED by the Mayor and Council of the City of Elberton do hereby adopt the qualifying fees and the appointment of the Elections Superintendent/Absentee Ballot Clerk as stated above as required by the Georgia State Election Board.

Council Member Colquitt motioned to adopt the Resolution, which was seconded by Council Member Parham. The motion passed unanimously (Butler, Colquitt, Burton, Prince, Parham).

Council Member Parham made a motion to adopt the Consent Agenda as follows, which was seconded by Council Member Prince. The motion passed unanimously (Butler, Colquitt, Burton, Prince, Parham).

1. Approval of expenditures that exceed the city manager’s purchasing authority.

Department: Elberton Utilities, Water Treatment Plant	
New Clearwell water storage tank and & High Service Pump Station	
Vendor:	Bid Amount:
Allsouth Contractors, Inc. RECOMMENDED & APPROVED	\$3,146,000.00
SOL Contractors, LLC	\$3,250,000.00
P. F. Moon and Company, Inc.	\$3,794,000.00
M. B. Kahn Construction Co.	\$3,838,100.00
Wharton-Smith, Inc.	\$4,429,000.00

2. Issuance of an alcoholic beverage license for retail beer only for SJ Foodmart 2020, Inc. located at 202 Elbert Street, owner Ada Lynette Clinkscales.

City Manager Dunn presented the following reports:

- Financial Report ending November 30, 2020.
- Water Dept – The approved bid for the water filter plant construction should begin quickly, and we anticipate that project to begin fairly quickly, weather permitting, and take until early 2022 to come online.
- Public Works – The Medical Drive to Brookwood Cir. stormwater project has gone to bid. The bids close in early February, so this will be considered at the March council meeting most likely.
- ElbertonNET – construction continues:
 - Coldwater-Peachtree-Press Mann node was completed in mid-December; about 2 dozen active customers
 - Harpers Ferry-Ruckersville node was completed just before Christmas, we already have customers installed with several more slated for this week and next week.
 - Southeast build – contractors continue working on pull the main line fiber from Elberton to the end of the project on lower BB State Park Rd this week. It is possible that the first node could be activated for testing by first part of February, and if successful that would mean some customers in the first zone could be installed by the end of February. The Lower Bobby Brown St Pk Rd and The Clubs is the first zone to be activated. As of right now, the second zone will probably be the Ricetown-Cooter Creek area, based on pre-subscriptions.
- The Quarry Plates and Pours restaurant will be opening tomorrow under a modified schedule from what we were doing in 2020. We will be open 4 days per week for 3 meals per day: breakfast, lunch, and dinner along with bar, on Tuesdays, Wednesdays, Thursdays, and Fridays. We will be closed Saturday, Sunday, and Monday.
- Fees for Jake Braking ordinance violation. (Handout of fee schedule). All other traffic offenses not listed is \$80. A fine amount needs to be set at the next meeting if the ordinance passes and signed by the Mayor.

CITY CLERK:

At the January meeting, the Mayor and Council will consider adopting a Resolution to issue a call for the November 2021 Municipal General Election. The Resolution will also set the qualifying fees as required by the Secretary of State's Office. The fee must be published in the newspaper in February. The election will include Mayor and Council Members from Wards 1, 4, and 5.

The department will be mailing business license renewal applications this month which includes renewals for occupational, regulatory, financial, vending/amusement, and professional tax licensing. Businesses have until April 1 to submit renewals. Five Secondhand Dealer permits will be mailed for calendar year 2021.

HUMAN RESOURCES:

In accordance with the Firefighter Cancer Insurance House Bill 146 of the Official Code of Georgia Annotated, the City of Elberton is required to make coverage available to full-time and part-time firefighters. Georgia Municipal Association has overseen this program for municipalities, which will be known as the GMA-GIRMA Firefighters' Cancer Program since January 1, 2018.

FIRE DEPARTMENT:

The Fire Department responded to 58 alarm calls for the month of December, 2020. These calls consisted of 3 Vehicle Accidents, 47 Medical Emergencies, 1 Aircraft Standby, 1 Structure Fire, 1 Vehicle Fire, 1 Gas Leak, and 4 False Alarms. The Fire Department conducted 337.5 hours of in-house training for the month.

BUILDING INSPECTOR:

The building inspection department issued 10 permits for the month of December, 2020. Permits issued: 3 Building Permits, 3 Electrical Permits, 2 Reroof Permits, 1 Sign Permit and 1 Driveway Permit. During this same period there were 3 electrical inspections, 1 sign inspection, 2 reroof inspections, and 18 site visits.

POLICE DEPARTMENT:

The Elberton Police Department released their monthly activity for the month of November 2020. The department recorded:

- 807 Calls for Service
- 117 Vehicle Traffic Stops
- 103 Incident Reports were filed
- 111 City Court cases made
- 28 Traffic accidents were investigated
- 43 People were arrested for various charges
 - 1 Person was arrested for Driving under the Influence
- 90 Department Training Hours

The Group A crimes of the (NIBRS) National Incident Based Reporting System are sent to the FBI on a monthly basis. The Group A crimes for November 2020 are as follows:

	November 2020	October 2020	% Change +/-
Kidnapping:	0	0	No Change
Rape Offenses:	1	0	Up by 1 event
Robbery:	0	0	No Change
Assault:	26	24	Up 8%
Arson	0	0	No Change
Burglary:	5	4	Up 25%
Larceny/Theft:	7	20	Down 65%
Motor vehicle theft:	2	1	Up 50%
Counterfeiting/Forgery:	1	0	Up by 1 event
Fraud Offenses:	4	1	Up 300%

Destruction/Damage/Vandalism:	9	9	No Change
Drug Offenses:	6	11	Down 83%
Weapons Violations:	1	1	No Change
Animal Cruelty	0	0	No Change
Sex Offenses	0	0	No Change
Prostitution Offenses	0	0	No Change

WATER & SEWER:

The crews repaired water leaks on Village Road, Jones Street, and Campbell Street. The crews repaired a 1 inch water tap at 18 Laurel Drive. The crews collected water samples throughout the water system for regulatory testing.

The crews replaced a damaged sewer lateral at 110 Lake Forest Circle. The crews cleaned and inspected a sewer lateral at 253 McKinley Street. The crews installed a 4 inch sewer tap and sewer lateral at 343 Railroad Street.

The crews replaced the electric receptacles at the helisieve at the Falling Creek Treatment Plant. The crews replaced a 6 inch E.Q. drain valve at the Fortson's Creek Treatment Plant.

Contractors continue to make repairs to the #4 filter at the Filter Plant. Most materials for the repair have arrived. The contractors have installed the grout and anchors. Once the grout has fully cured they will begin installing the new underdrain system.

ELECTRIC:

During the month of December the Electric Department transferred poles on the Washington Hwy. and Clairmont Street so the old ones could be pulled. This allowed us to pull and dispose of 23 old poles. The department changed out 2 bad poles on Brookside Drive and 2 on Cardinal Drive. The department finished out the month by changing out a broken pole on the Calhoun Falls Hwy. and replaced a bad underground service on the Lexington Hwy.

PUBLIC WORKS:

The Street Dept. completed removing rubbish and debris at 23 N. Public Sq. in advance of renovation. The dept. painted yellow curbing on multiple streets in the city limits including parts of College Ave, Laurel Dr, Peachtree St, Medical Dr, Glendale Ave, Brookwood Cir and Forest Ave.

NATURAL GAS:

The Gas Department continues to try and complete the Lloyd Rousey Rd-Deep Creek Rd project. Encountering rock in trenching and in boring paved roads and driveways has been a problem that has slowed the project significantly. The new main should be activated in early January. The department will continue to clean and repair the right-of-way due to rain and mud.

The department also has fixed several leaks from 2020 Business District Survey.

MAIN STREET:

The month of December has been spent preparing for the end of the year Main Street evaluation that is coming up on January 15.

Main Street hosted a downtown merchant holiday window contest. We have an overall winner and a people's choice winner. All of the merchants were excited to participate in this fun little event. The winner of these events will be announced soon as the holiday season concludes.

ELBERT THEATRE:

There were 5 events at the Elbert Theatre & Arts Center in December including ETF's Christmas Movie Field Trips and paint class. Approximately 112 patrons visited the Elbert Theatre & Elberton Arts Center between December 1 and 23.

City Attorney Jenkins gave a report on Dilapidated Housing.

Matters to be considered by Council.

- Mayor Guest recognized Mr. Shailesh Amin, Reetixa, LLC, to speak on the alcoholic beverage ordinance violation. Mr. Amin was not yet present during the public hearing earlier in the meeting. Mr. Amin stated he accepted that the violation occurred.
- Consideration of administrative penalties to businesses in violation of the City of Elberton's Alcoholic Beverage Ordinance. City Manager Dunn stated that staff recommended an administrative penalty of \$300.00 and a bond forfeiture of \$250.00 totaling \$550.00 for each business in violation for first offense in five years, which would apply to Kenny's Korner Store and Reetixa, LLC, and an administrative penalty of \$500 and a bond forfeiture of \$250.00 totaling \$750.00 for the second offender, JJ & B Foodmart No. 1, LLC. Council Member Butler motioned to accept the recommendations as stated above, seconded by Council Member Parham and the motion passed unanimously (Butler, Burton, Parham, Prince, Colquitt).

There being no further business to come before Council, upon proper motion and second the meeting was adjourned at 6:05 p.m.